

1 Krista Hart  
Attorney at Law  
2 State Bar No. 199650  
428 J Street, #350  
3 Sacramento, CA 95818  
(916) 498-8398  
4 [kristahartesq@gmail.com](mailto:kristahartesq@gmail.com)

5 Attorney for  
Kenneth Knanishu  
6

7  
8 UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KENNETH KNANISHU,

14 Defendant.  
15

Cr.S. 05-105 WBS

DEFENDANT'S REQUEST FOR  
EXTENSION OF TIME TO FILE  
REPLY BRIEF

16 Defendant KENNETH KNANISHU, by and through counsel Krista Hart, hereby  
17 requests an extension of time up to and including June 18, 2013, to file the Reply Brief.  
18 The request is based on the reasons set forth in counsel's declaration.

19 Mr. Knanishu pleaded guilty pursuant to a plea agreement and on October 15,  
20 2007, the Court sentenced Mr. Knanishu to 60 months in prison. (Docs 87 & 88) On  
21 October 1, 2012, Mr. Knanishu filed a motion pursuant to 28 U.S.C. § 2255. (Doc 94)  
22 The government filed its response on February 17, 2013. (Doc 104)

23 On March 26, 2013, the Court determined it would be appropriate to have counsel  
24 appointed to represent Mr. Knanishu and the Court appointed the undersigned on April 1,

1 2013. The Reply Brief is currently due on May 28, 2013. Counsel needs additional time to  
2 communicate with AUSA Todd Leras about a possible resolution in lieu of litigating the  
3 motion. Counsel also needs additional time to communicate with the client.

4 I, KRISTA HART, declare that:

5 1. I am an attorney licensed to practice in the state of California and I am  
6 appointed to represent Mr. Knanishu in the case referenced above.

7 2. Since being appointed on April 1, 2013, I have obtained the transcripts of  
8 the Change of Plea hearing and the Judgment and Sentencing hearing in federal court. I  
9 have also obtained a copy of the transcript of the Sentencing hearing in state court.

10 3. Since being appointed on April 1, 2013, Mr. Knanishu has filed two  
11 motions to have me relieved as counsel. While these were pending, Mr. Knanishu did not  
12 communicate with me about the specifics of the case - presumably he believed I would be  
13 relieved as counsel. On May 8, 2013, this Court denied the motions. Mr. Knanishu and I  
14 have resumed communications by US mail.

15 4. Although other state prisons allow confidential attorney-client phone calls,  
16 Dan Pherigo, Litigation Coordinator, at the Correctional Training Facility in Soledad, has  
17 indicated to me they do not have the resources to allow legal telephone calls at their  
18 facility. (They do, however, have the resources to accommodate face-to-face attorney  
19 client meetings.) Since Mr. Knanishu and I are limited to communications by US mail, we  
20 need some additional time.

21 5. Finally, AUSA Todd Leras and I have been in communication. We are both  
22 open to resolving the matter short of fully litigating the motion. However, due to our  
23 schedules, we have not had sufficient time to fully discuss the matter. Additional time is  
24

1 requested to allow the parties to discuss the matter and possibly resolve the motion.

2 6. I have exchanged emails with Mr. Leras and he has no objection to this  
3 request for an extension of time.

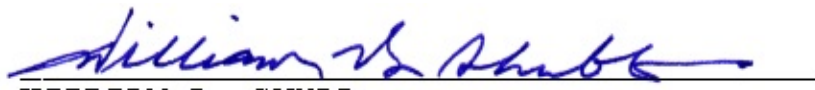
4 DATED: May 28, 2013

5 /s/ Krista Hart  
6 Kenneth Knanishu

7  
8  
9  
10  
11 **ORDER**

12  
13 GOOD CAUSE APPEARING defendant's request for an extension of time to file  
14 the Reply Brief is granted. The Reply Brief is due on or before June 28, 2013.

15 DATE: May 28, 2013

16   
17 WILLIAM B. SHUBB  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24